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Attorneys for City of Oakdale Defendants

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
FRESNO COURTHOUSE

BRANDON GRAY,

Plaintiff,

v.

CITY OF OAKDALE, a municipal corporation; City of Oakdale Police Department Officers DOES 1-10, individually; CITY OF MODESTO, a municipal corporation; City of Modesto Police Department Officers DOES 11-20, individually; COUNTY OF STANISLAUS, a public entity; Stanislaus County Sheriff's Department Deputies DOE 21-30, individually; California Highway Patrol Officers DOES 31-40, individually; and DOES 41-100, Jointly and Severally,

Defendants.

Case No. 1:21-cv-01086-NONE-BAM

**STIPULATED REQUEST AND ORDER TO
CONTINUE SCHEDULING CONFERENCE,
EXTEND DUE DATE FOR JOINT
SCHEDULING REPORT, AND EXTEND
TIME FOR COUNTY OF STANISLAUS TO
RESPOND TO COMPLAINT; ORDER**

Plaintiff, BRANDON GRAY ("Plaintiff"), by and through his counsel of record, Defendant CITY OF MODESTO ("CITY"), by and through its counsel of record, and Defendant CITY OF OAKDALE, by and through its counsel of record, hereby respectfully stipulate and request as follows:

1. On or about July 12, 2021, Plaintiff filed his operative complaint in this matter.
2. The CITY was then served with Plaintiff's Complaint, on or about September 13, 2021.

The CITY's responsive pleading deadline was October 4, 2021.

3. Pursuant to the continued meet and confer discussions of the parties, the parties, through counsel, stipulated that the deadline for the CITY to respond to the complaint be extended from October 4, 2021 to October 25, 2021, and filed a stipulation to that effect. *See* ECF No. 11.

4. A stipulation has also been submitted, and signed by the Court, extending the due date

1 for a responsive pleading to be filed by the County of Stanislaus. ECF No. 10. That deadline is
2 December 6, 2021. *Id.* The parties hereby request that this deadline be extended one last time, for
3 an additional month, to January 6, 2022.

4 5. The City of Oakdale has filed an Answer, ECF No. 8, as has the City of Modesto. ECF
5 No. 15.

6 6. The parties are in the process of circulating a Stipulated Protective Order, and will be
7 submitting it to the Court shortly. This will facilitate the exchange of documents and materials.

8 7. Once the Stipulated Protective Order is filed, certain key documents and body worn
9 camera videos will be exchanged, thereby allowing an assessment by Plaintiff of whether the
10 County of Stanislaus and its to-be-identified DOE employees will remain in the case, as explained
11 in the stipulation filed between Plaintiff and the County of Stanislaus. ECF No. 9.

12 8. Additionally, the undersigned Plaintiff's counsel is unavailable for the upcoming
13 Scheduling Conference, which is set for December 16, 2021, at 9:30 AM, in Courtroom 8. ECF
14 No. 4 at 4:22-25. Mr. Schmidt will be out of town for a wedding.

15 9. In view of the foregoing, the undersigned counsel hereby respectfully request that the
16 upcoming Initial Scheduling Conference be continued to a date selected by the Court, based on
17 the Court's availability and calendar.

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19 **IT IS SO STIPULATED.**

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Respectfully submitted,

Dated: November 29, 2021

ALLEN, GLAESSNER,
HAZELWOOD & WERTH, LLP

By: /s/ Patrick D. Moriarty*

PATRICK D. MORIARTY
JOHN B. ROBINSON
Attorneys for Defendant
CITY OF MODESTO

Dated: November 29, 2021

THE LAW OFFICE OF SANJAY S. SCHMIDT

By: /s/ Sanjay S. Schmidt

SANJAY S. SCHMIDT
Attorneys for Plaintiff
BRANDON GRAY

Dated: November 29, 2021

FERGUSON, PRAET & SHERMAN

By: /s/ Bruce D. Praet*

BRUCE D. PRAET
Attorneys for CITY OF OAKDALE
Defendants

Dated: November 30, 2021

PORTER SCOTT
A PROFESSIONAL CORPORATION

By: /s/ John R. Whitefleet*

JOHN R. WHITEFLEET
Attorneys for Defendant COUNTY OF
STANISLAUS

*Mr. Moriarty, Mr. Praet, and Mr. Whitefleet gave their consent to file this document via
CM-ECF.

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ORDER

The Court, having reviewed the parties' stipulation and request, and good cause appearing, finds and orders as follows:

1. The Scheduling Conference currently set for 12/16/2021 is HEREBY CONTINUED to **January 27, 2022 at 9:00 AM in Courtroom 8 (BAM) before Magistrate Judge Barbara A. McAuliffe**. The parties shall file a Joint Scheduling Report one week prior to the conference. The parties shall appear at the conference remotely with each party connecting either via Zoom video conference or Zoom telephone number. The parties will be provided with the Zoom ID and password by the Courtroom Deputy prior to the conference. The Zoom ID and password are confidential and are not to be shared. Appropriate court attire required.

2. The COUNTY's deadline to respond to the Complaint is extended to January 6, 2022.

IT IS SO ORDERED.

Dated: November 30, 2021

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE